

Remarks

The claims have been amended to incorporate the limitations of claim 15 into claim 14 and claim 15 has been cancelled.

Since the amendment incorporates the limitations of an existing claim into its parent claim, no new issues have been raised and no new matter has been added. The amendment was not made earlier since the need therefore could not have been determined prior to Examiner's current rejection indicating that prior arguments and amendments did not place the application in condition for allowance. In addition, it should be pointed out that claim 15 has now been cancelled thus reducing issues for appeal.

In review of the current status of all claims, it should be appreciated that the current claims for the material and its use require:

- a) **a first hydrophobic binding agent;**
- b) **an additional binding agent;**
- c) one filler particle size range having a mean particle diameter of at least 5 μ m;
- d) another filler particle size range having a mean particle diameter of at most 3 μ m; and
- e) **insufficient hydrophilic components so that the static initial water contact angle of a coating formed from the dispersion after 3 minutes equilibrium is greater than 130°. Of paramount importance is the fact that the cured composition has a contact angle greater than 130°.**

The Examiner has rejected claims 1-34 and 36-43 as being unpatentable over Letoffe et al. This rejection is improper and should be withdrawn. It should be pointed out that **Letoffe et al discloses or suggests nothing concerning any composition having a contact angle greater than 130° and discloses or suggests no composition inherently having such a property.** (A rejection based upon inherency should usually be a 35 U.S.C. 102 rejection in any case. Inherency generally does not apply to 35 U.S.C. 103 rejections and certainly not in this particular case.)

Letoffe et al. does not disclose or suggest any composition having at least two binding agents, and critically does not disclose or suggest any composition having

insufficient hydrophilic components so that the static initial water contact angle of a coating formed from the dispersion after 3 minutes equilibrium is greater than 130°.

The Letoffe et al compositions would not be at all expected to form coatings having a contact angle greater than 130° because the only binding agent used by Letoffe et al. apparently does not provide anywhere near such a contact angle. The Examiner is referred to the enclosed background art articles, "Low Surface Energy Polysiloxane Complexes", Thünemann et al., Journal of Material Chemistry, 11, 381-384, (2001) and "Journal of Applied Polymer Science" Chapter 7, v.67, 2223 (1988), both of which show that the contact angles of polysiloxane films, similar to those of Letoffe et al., are much less than 130°, i.e. 98° in Thünemann et al. and 103° in the "Journal of Applied Science" article. These numbers are remarkably consistent thus rendering it highly unlikely that any composition of Letoffe et al. would have a contact angle anywhere near that required by the present claims.

Furthermore, the present claims require at least two binding agents. Letoffe et al. suggests only one. The present claims require insufficient hydrophilic components to prevent the 130° contact angle. Since the only binding agent in Letoffe et al. does not provide such a contact angle and there is no suggestion in Letoffe et al. of any other binding agent or component that could possibly make up for the inadequacy of the Letoffe et al. polysiloxane, it is clear that the presently claimed composition or its use cannot be disclosed or suggested by Letoffe et al.

Claim 35 has been rejected by the examiner under 35 U.S.C. 103 as being unpatentable over Letoffe et al. in view of Hayashi et al or Takahashi et al. Neither Hayashi et al nor Takahashi et al. cure the critical defects of Letoffe et al., previously discussed. The additional additives of Hayashi et al or Takahashi et al. hardly could overcome the low contact angle material use by Letoffe et al.

In the final rejection, the Examiner states "additionally instant claims fail to include additional ingredients, which may be hydrophilic in nature." This statement demonstrates that the Examiner has failed to understand the present invention. Hydrophilic ingredients are severely restricted, i.e. **"insufficient hydrophilic components so that the static initial water contact angle of a coating formed from the dispersion after 3 minutes equilibrium is**

greater than 130°.” The cited art simply does not disclose or suggest such a composition or its entirely unobvious use for self cleaning surfaces.

A check in the amount of \$420.00 is enclosed along with a Petition for a two month extension of time.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that all claims are in condition for allowance, which action is courteously solicited.

Respectfully submitted

A handwritten signature in dark ink, appearing to read "Michael L. Dunn", followed by a long horizontal flourish.

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